

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 05-10202-RWZ

UNITED STATES OF AMERICA

v.

SHELTON TERRY

ORDER
June 24, 2008

ZOBEL, D.J.

Defendant pled guilty to possessing, with intent to distribute, cocaine base and in November 2006, he was sentenced to imprisonment for a term of 188 months. His guideline range, driven by his criminal record and his eligibility for career offender status, was 262-327 months. Defendant has now applied for re-sentencing pursuant to Amendment 709 to the United States Sentencing Guideline, § 2D1.1(c). The parties disagree whether the Amendment applies where the original sentence was based on the career offender guideline, id. § 4B1.1.

Defendant shall file his memorandum of law on these issues by July 18, 2008, and the government shall submit its opposition by August 1, 2008. The court will decide thereafter whether to schedule a hearing.

June 24, 2008
DATE

/s/Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE